



Montana Department of
ENVIRONMENTAL QUALITY

1154100 - R8 SDMS

Brian Schweitzer, Governor

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December 14, 2009

Ted Linnert
Office of Communications and Public Involvement
U.S. EPA, Region 8 – 80C
1595 Wynkoop Street
Denver CO 80202

Re: Proposed Plan, Operable Unit 1, Libby Asbestos Superfund Site

Dear Mr. Linnert;

Thank you for providing the Montana Department of Environmental Quality (DEQ) the opportunity to comment on the Proposed Plan for Operable Unit 1 (OU1) of the Libby Asbestos Superfund Site. DEQ appreciates the continued relationship with EPA and the efforts of EPA to work with the community of Libby, especially the Libby City Council, regarding the remedial actions and future development at OU1.

DEQ supports EPA's Proposed Plan, including the preferred alternative as detailed in the Proposed Plan. In addition, the DEQ would like to offer the following comments:

1. The recommended combination of alternative 3b and 4a will likely be effective in protecting the public health and the environment in a timely and cost-effective manner. At this stage of the remedy selection and design process, the combination of alternatives 3b and 4a will involve: partial removal of contaminated surface soil, in-place containment of contaminated soil, off-site disposal of contaminated soil at the mine (OU-3); institutional controls and monitoring, and removal and replacement of riprap along the riverbank.
2. The conceptual site model emphasizes exposure to LA as driving the risk and the need for remedial action. However, significant RI field data, in terms of exposure to contaminated soils, is based on visible vermiculite. The LA content of the visible vermiculite needs to be quantified through analytical, laboratory methods. Visible vermiculite is neither an appropriate, nor an accurate, method of quantifying the concentration of LA in the potentially impacted soils and is not a valid cleanup standard for the ROD.
3. Page 6 of the Proposed Plan, under Summary of Site Risks, states that the RI report contains a baseline human health risk assessment for OU1. The risk assessment sections of the RI, Section 6, and the FS, Section 2, indicate that methods to quantify cancer and non-cancer risk associated with LA exposure are still under development and the risk assessment for OU1 will not be completed for some time. The Preliminary Remedial Action Objectives for a Proposed Plan are typically based on a completed risk assessment. The DEQ believes that it is premature for the OU1 Proposed Plan to summarize the risk assessment conclusions. The DEQ supports the Proposed Plan and EPA's progress toward a ROD for OU1, in the absence of a quantitative risk assessment, as long as the proposed remedy for OU-1 involves in-place containment and partial removal of the contamination such that all known exposure pathways are broken. Additionally, DEQ suggests the following language be included in the ROD:

"Removal and on-site containment of contaminated soils will eliminate known exposure pathways by preventing human exposure to LA-contaminated soils and dust. Until a risk-based, quantitative clean up level is established for the entire Libby Asbestos Superfund site, the City of Libby will

manage OU1, including development and future use in a manner that will protect both human health and the integrity of the remedy. EPA will address any breaches or penetrations of the remedial action (cap) that reveal LA-contaminated soils in accordance with established removal or remedial actions being used throughout the Libby Asbestos Superfund site. Once a quantitative risk assessment is completed and a clean up level is established, the ROD for OU1 will be appropriately modified to include this new information, to incorporate any additional remedial actions, and to modify the institutional controls or the operation and maintenance plan in order to properly manage the residual contamination in a manner that will protect human health and the environment."

4. DEQ's policy supports an "acceptable risk" as being 1×10^{-5} or less. EPA's acceptable risk range of 1×10^{-4} to 1×10^{-6} does not correlate exactly with DEQ's, and DEQ does not support 1×10^{-4} as an acceptable risk. DEQ suggests that EPA require additional response action at sites where the excess cancer risk exceeds 1×10^{-5} . Please include language in the ROD noting DEQ's policy, and explaining how EPA will respect that position when a final Risk Assessment is complete, and cleanup levels are determined.
5. The ROD should include a clear description of how the Remedial Design Phase will include additional soil sampling and analyses to better define the areas requiring further remediation based on LA-contaminated soils. DEQ does not support using the presence of visible vermiculite to trigger remedial actions.
6. Since the planned remedy will leave LA-contaminated soil in place; and the property will be subject to recreational activities as well as regular maintenance and construction activities, it is critical to define the necessary institutional controls in as much detail as possible during the remedial design. DEQ suggests that the ROD include language identifying the purpose and goals of an institutional control program and identify the specific institutional controls proposed to meet those goals.
7. For future reference, the Montana DEQ contact for OU1 is Richard Sloan, Project Officer, Montana DEQ, P.O. Box 200901, Helena, MT 596020-0901, 406-841-5046, rsloan@mt.gov.
8. DEQ recognizes and supports the efforts of EPA to coordinate with the City of Libby regarding remedial actions and development of OU-1. DEQ suggests EPA memorialize these discussions and commitments in the ROD, clearly define the difference between remedial action, re-development, and institutional controls, and clearly define the roles and obligations of EPA, the state and the City in implementing, operating and maintaining the ROD for OU-1.

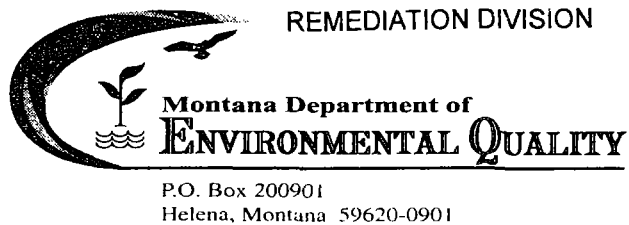
DEQ looks forward to working with the EPA as the detailed design of the remedy is completed and as the overall project continues. If you have any questions or concerns, please feel free to contact Dick Sloan, DEQ Federal Superfund Project Manager.

Sincerely,

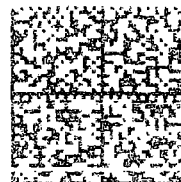


Sandi Olsen
Remediation Division Administrator
Montana Department of Environmental Quality

Cc: Richard Oppen
Richard Sloan



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